

**REMARKS**

The present amendment is in response to the Official Action mailed on March 18, 2005, which Official Action had been issued to correct inadvertent errors found in the previous Official Action mailed on November 18, 2004. With the present amendment, only claims 1 and 2, as amended, now remain in this application.

As an initial matter, Applicants' counsel would like to thank Examiner Contee for the courtesies extended by her during a telephone interview on August 3, 2005 with respect to the present application. Applicants' counsel discussed proposed amendments to the claims which have now been made herein. It is now believed that the application is in condition for allowance over the cited prior art in view of the amended claims.

Turning to the Official Action, the Examiner has rejected claims 10-11, 14-20, 23-25 and 27 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,230,322 to Saib et al. ("Saib"). The Examiner has also rejected claims 1-9, 12-13, 21, 22, 26 and 28-49 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,757,913 to Knox ("Knox") in view of Saib. Finally, the Examiner has rejected claims 51, 52 and 54-56 under 35 U.S.C. § 103(a) as being unpatentable over Knox in view of U.S. Patent No. 5,195,134 to Inoue and in view of Saib.

As an initial matter, only claims 1 and 2 remain pending. Therefore, the rejections of the other claims are deemed to be moot. Thus, Applicants will address the rejection of claims 1 and 2 as being obvious over Knox in view of Saib.

Claims 1 and 2 have been amended to clarify over the prior art of Saib and Knox. In particular, the claims have been amended to specify that the audio digital data has a first sound quality while the download audio data has a second sound quality that is of superior quality to the first sound quality.

Further, the audio digital data, digital data for the audio information screen and the download audio data, which are all multiplexed, are now specified as being repeatedly transmitted within a program period.

Support for these amendments can be found, for example, in the descriptions of Figure 1, Figure 4 and Figure 5 and the figures themselves. The difference in quality with respect to the audio digital data and the download audio data is described, for example, on pages 10-13. In an example given in the application, the audio digital data may be in the MPEG format whereas the download audio data can be in the superior ATRAC 2 format as described, for example, on pages 12-13. The audio digital data, the download audio data and the digital data for an audio information screen are all multiplexed prior to transmission, and the repeated transmission of the multiplexed data within a program period is described, for example, on pages 22-25, with reference to Figure 5.

The present claims are not rendered obvious by the combination of Saib and Knox. Saib is directed at GUI control to adjust audio parameters of an audio signal but does not disclose, suggest or teach the transmission of two different types of audio data, one having a first sound quality and the other having a superior sound quality to the first sound quality. There is also no multiplexing of such different types of data or a repeated transmission of the multiplexed data within a program period.

Likewise, Knox does not disclose multiplexing of two different qualities of audio data and then repeatedly transmitting such multiplexed data within a program period. Rather, Knox discloses a digital music transmitter 100 to supply only quality type of audio data in an FM transmission to a receiver such as a digital receiver tuner (DRT).

Accordingly, the combination of Saib or Knox fails to teach or suggest the claimed invention of multiplexing audio data of two different sound qualities and then repeatedly transmitting the multiplexed data within a program period as specified by claims 1 and 2.

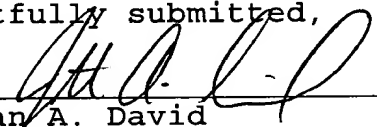
Applicants therefore submit that the present claims are allowable and request the issuance of a Notice of Allowance.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicants' attorney at (908) 518-6331 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 4, 2005

Respectfully submitted,

By   
Jonathan A. David  
Registration No.: 36,494  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 518-6331  
Attorney for Applicants